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*For discussion purposes only***SUMMARY**

This is a Response to the Office Action mailed February 9, 2006. In this application, claims 1-4, 8-15, 17, 19-21, and 23-26 are pending.

In the Office Action, the Examiner rejected all pending claims under the judicially created doctrine of double patenting and under 35 USC § 103(a) as being obvious over the teachings of primary reference Banks in combination with Baumgartner, Marshak, Kameraman and/or Vin. This Response addresses both the double patenting and obviousness rejections without amending the claims.

For the Examiner's convenience, however, the currently pending claims, in clean form, are presented with this Response. In responding to the double patenting rejections, Applicants show that the limitations "no matter where the user is located" is not inherent from the claimed service record. Moreover, Applicants demonstrate quite clearly that there are numerous differences between the claims of the four applications on which the Examiner bases his double patenting rejections.

With regard to the §103 obviousness rejections, this Response shows that it is neither possible nor obvious to derive the claimed inventions by weaving together selected portions from the various pieces of prior art, as suggested by the Examiner. In addition, even if it were possible to combine the cited references, the combination would not teach all the claim elements.

In particular, primary reference Banks does not teach maintaining any record of a user's log-in location. Instead it merely shows a user's regional origin in a descriptive profile, as in the geographic location (town or state, for example) from which a user hails. Indeed, as demonstrated below, the dial-up modem configuration described in Banks precludes a system that requires tracking user location information whether for enabling a communication between users or any other purpose.

Similarly, the Examiner's contention that it is obvious to combine the teachings of Baumgartner with those of Banks to create a system with a graphical listing of user

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information is not supported by historical evidence. Such "Banks plus graphical user listings" systems were first introduced by ICQ apparently more than two years after this application's effective filing date. This fact together with the massive technical disparities and incompatibilities between Banks and Baumgartner precludes the obviousness of combination suggested by the Examiner.

Further, the Examiner's contention that adding Kameraman's wireless technology to Banks/Baumgartner combination is obvious, is not viable. As shown by informed research with dates as recent as 2004, this is a non-trivial and accordingly non-obvious task.

Thus, and as demonstrated below, Applicants submit the Examiner's rejections cannot be sustained and the claims should be allowed.

### **EXAMINER'S REJECTIONS**

#### **I. CLAIM REJECTIONS BASED ON DOUBLE PATENTING**

The Examiner has rejected the pending claims based on a judicially created doctrine of double patenting as follows:

Claims 1-36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-36 of Application No. 10/721,343; claims 1-42 of Application 10/721,905; and claims 1-42 of Application 10/721,385. Although the conflicting claims are not identical, they are not patentably distinct from each other because they recite substantially equivalent limitations or obvious variation thereof. This is a provisional rejection because the claims are not in fact patented.

In response, Applicants point out that this application is in fact substantially different from the other three applications. For example, comparing the independent claims of the four applications yields the following comparison in which selected key elements are underlined, to provide an immediate visual differentiation between the claims.

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The 385/'905 (system/method) pair's independent claims' main limitations:	The '343 (method) application's independent claims' main limitations:	The '051 (system) application's independent claims' main limitations:
In Claim 1, users <u>log in to their communications devices</u> , and service records are kept maintaining user location information. A calling user selects a to-be-called user by selecting that user's icon displayed in a <u>personalized list</u> , and the <u>calling user is notified if another user is not logged in</u> .	In Claim 1 users <u>log in to respective communication networks</u> using their communications devices, and service records are kept maintaining user location information no matter where the user is located. To be called users are listed in a <u>user's quick dial list</u> , which has been created by the calling user from a list of all potential users.	In Claim 1 users log in to their communications devices, and service records are kept maintaining user location <u>information no matter where the user is located</u> . A calling user selects a to-be-called user by selecting that user's icon displayed in a <u>personalized list</u> , and the <u>calling user is notified if another user is not logged in</u> .
In Claim 12 users log in to their communications devices, at least one of which is a <u>wireless mobile phone device</u> , and, in so doing, at least one of the user's connects to a <u>Wide Area communication Network</u> . Service records are kept maintaining user location information no matter where the respective user is located.	In Claim 14 users log in to their communications devices and service records are kept maintaining user location information. A calling user selects a to-be-called user by selecting that user's icon displayed in a <u>personalized list</u> and the called user is notified of the identity of the calling user and <u>given the opportunity to accept or reject a call</u> .	In Claim 14 users log in to their communications devices and service records are kept maintaining user location information. A calling user selects a to-be-called user by selecting that user's icon displayed in a <u>personalized list</u> and <u>the calling user is notified if another user is not logged in</u> . During communication a third party can call in and be included in the communication.
In Claim 25 users connect to respective first and second networks using their communications devices and service records are kept maintaining user location information <u>no matter where the respective user is located</u> . A calling user is <u>notified if the "being called" user is not connected to a network</u> , and the called user is <u>notified of the identity of the calling user and given the opportunity to accept or reject a</u>	In Claim 29 users log in to their communications devices, at least one of which is a <u>wireless device</u> and service records are kept maintaining user location information <u>no matter where the respective user is located</u> . A calling user selects a to-be-called user by selecting that user's icon displayed in a <u>personalized list</u> . This claim is the method equivalent of claim 29 in the '051 application.	In Claim 29 users log in to their communications devices, at least one of which is a <u>wireless device</u> and service records are kept maintaining user location information <u>no matter where the respective user is located</u> . A calling user selects a to-be-called user by selecting that user's icon displayed in a <u>personalized list</u> . This claim is the system equivalent of claim 29 in the '343 application.

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In Claim 35 users log in to their communications devices, at least one of which is a wireless mobile phone device, and service records are kept maintaining user location information. A user selects a to-be-called user by selecting that user's icon displayed in a <u>personalized list</u> , and the calling user <u>is notified if another user is not logged in</u> . Real-time communications between the two users includes <u>text messaging</u> .		
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The Examiner has also argued that the only difference between the '385/'905 application pair and the '051 application "is the phrase 'no matter where the user is located' and that this "feature is inherent from the use of the service record in claim 1 of the '385/'905 applications."

Applicants disagree strongly. The limitation "no matter where the user is located" is definitely NOT inherent in the use of a service record.

As pointed out in the previous Office Action Response, proving inherency places a very specific burden on the Examiner. Specifically, in "relying upon the theory of inherency, the Examiner must provide a basis...to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings."<sup>1</sup> (*citations omitted, emphasis in original*)

In addition, "[t]he fact that a certain result or characteristic may occur or be present ... is not sufficient to establish the inherency of that result or characteristic. . . . To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities.

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<sup>1</sup> MPEP § 2112(IV), p 2100-55, Rev. 2, May 2004.

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It is respectfully submitted that these requirements have not and cannot be met because the "*no matter where the user is located*" functionality does not necessarily flow from having a service record. The mere presence of a service record does not imply that the service record contains information relating to where the user is located, no matter where that user is located.

There are in fact many alternative examples. For instance, a service record could be created easily for a system in which a user is always associated with a static address. A traditional, land-line telephone system, for example, would have such a service record containing a distinct user identification as well as a distinct unchanging telephone number. Here, the telephone system would direct every call to the particular phone end-point and the user has to be present at the end-point, not at any other location, to answer the call. Thus, service records are not inherently capable of the claimed functionality.

Moreover, the language "*no matter where the user is located*" adds significantly to the functionality of the claimed invention. For example, it allows users to be tracked for communication irrespective of where they are located. This functionality does not come from any and all service records, but derives from the unique and specifically claimed invention.

Accordingly, the Examiner is requested to withdraw the double patenting rejection.

## II. CLAIM REJECTIONS - 35 USC § 103(a)

The Examiner has rejected the claims under 35 U.S.C. 103 as follows:

"Claims 1-4, 8-15, 17, 19-21, 23-24, 26-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michael Banks "America Online: A Graphics Based Success Evaluation", and further in view of Baumgartner et al. US patent 5,195,086, and Marshak "Beyond Mail for Windows" and Kameraman et al. US patent 5,519,834, Vin et al. "Multimedia Conferencing in the Etherphone Environment".

As per claim 1, Banks discloses American Online (AOL) is a system for real-time communication between plurality of separated users essentially as claimed, comprising: ...

c) at least one service record for the first and second logged in users [apparent in order to indicate if a member is currently online. See page 3 first paragraph]; the service record including user identification (screen names) and associated location where the user

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is logged in no matter where they are located (page 3, 1st paragraph see "where a member is from")...

e) collaboration initiation software that functions to cause retrieval of necessary addressing information of the second user and to cause the establishing on a connection between the first and second user...

Banks does not specifically disclose element d) computer software for displaying user identifiers with graphical icons for selection by the first user to establish a communication. In similar field of real time conferencing, Baumgartner teaches a conferencing system with directory displaying a list of available participants using icons for easy selection [see fig.18, col.15 lines 46-45, col.18 lines 57-60]. AOL advantage of over other system at the time was the use of graphics (see page 1). Baumgartner discloses that graphical user interface is "an important idea for the conference room notion" (col.15 lines 42-45). Hence, it would have been obvious for one of ordinary skill in the art to combine the teaching of Baumgartner with AOL system to display user name along with graphical icons because it would have enabled the user to visually associate member with the icon and provided graphical means of selecting the participants for conferencing.....

Baumgartner does not specifically disclose selecting a user identifier from a personalized list, Marshak discloses that it is known in the computer collaborative art to provide global and private directories to look up users of the system (address books - see page 4 "Managing address book"). It would have been obvious for one of ordinary skill in the art to provide a personalized list because it would have enable the user to more efficiently group and identify participants he wished to collaborate with instead of browsing through a long master list containing all users of the system....

As per claim 3, Banks and Baumgartner do not specifically disclose a wireless device. Computer with wireless network access is well known in the art at the time of the invention (for example see Kameraman col.1). Wireless network connection reduces physical wiring and permits the computer to roam about. Hence, it would have been obvious for one of ordinary skill in the art to have a communication device being wireless device because it would have enabled the user to be mobile while participating in a conference....

Thus, the Examiner relies on Banks to teach a service record that includes information regarding a user's location no matter where the user is located, and the use of that service record information to establish communications. The Examiner then relies on Baumgartner to teach "displaying user identifiers with graphical icons" of users to be called, and Marshak to teach private and global directories. In rejecting the dependant claims, the Examiner piles on Kameraman to teach wireless communications and Vin for automatically notifying users

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of an incoming call. Various arguments are put forth as to why it would be obvious to combine three or more of these disparate references to create the claimed invention.

### III. APPLICANTS' RESPONSE TO THE § 103 REJECTIONS

In contradiction, Applicants submit these rejections cannot be sustained for a number of reasons:

- (a) Banks' dial-up modem system does not, in fact, teach a service record that includes a user location as claimed;
- (b) Banks also does not teach the use of addressing information for the second user to establish communications;
- (c) It is definitely not obvious to combine Banks with Baumgartner, in part because it was only done by others skilled in the art some two years after this application's effective filing date and in part because the two provided references relate to two totally separate and incompatible technological art areas;
- (d) It is not obvious to combine Kameraman with Banks as alleged by the Examiner;
- (e) Finally, Baumgartner does not teach a WAN.

Each of these points is developed below.

#### A. BANKS DOES NOT TEACH A SERVICE RECORD THAT INCLUDES A USER LOCATION

In the Office Action, the Examiner argues that

Banks discloses at least one service record including user identification (screen names) and associated location where the user is logged in no matter where they are located (page 3, 1st paragraph see "where a member is from").

But, on close inspection, it is readily seen that Banks does not teach this at all. In fact, this cited Banks' "where a member is from" language has nothing to do with a user's address for communication, but instead refers to demographical information. It is the town, city, state or country or other geographic place from which the user hails.

This is apparent from a reading of the entire section from which the language "where a member is from" was extracted. The section reads "A system-wide member directory lets you see where a member is from, and, if the member has entered an



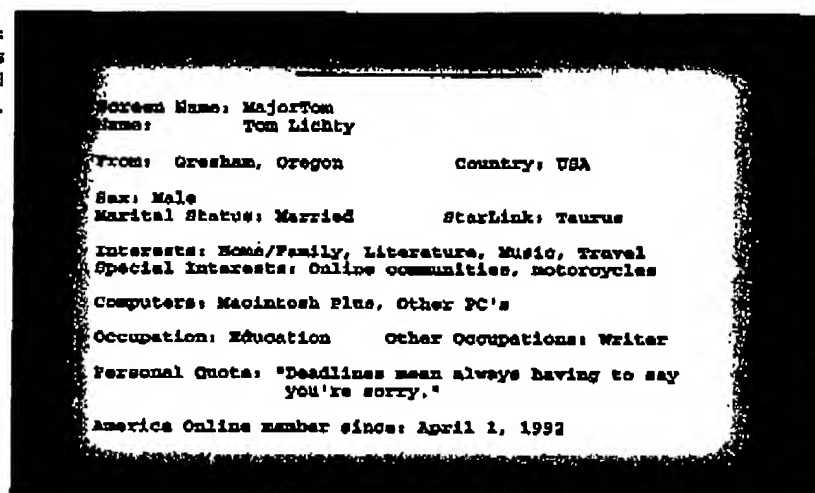
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online profile, read other information about that person." Thus, the context of the language quoted by the Examiner makes it clear that the Banks member directory has nothing at all to do with locations useful for message delivery or addressing, but, instead relates to personal or demographic information.

Other contemporary documents confirm this exactly. A pertinent example is from the section of an "America Online Tour Guide" attached to the Rule 132 affidavit submitted herewith. This quoted section, from pages 70 to 72, clearly shows that the reference to where a member is "from" refers to a geographic location. For example, Figure 3-16 (reproduced below) on page 72 shows that member MajorTom is "from" Gresham, Oregon.

Figure 3-16:  
MajorTom's  
profile reveals all  
of my secrets.



Obviously, this is not enough information for addressing or routing calls to a user as suggested by the Examiner.

Thus, Bank's language has nothing to do with, nor remotely suggests, a user's address that can be used to establish communications with that user.

**B. BANKS ALSO DOES NOT TEACH THE USE OF ADDRESSING INFORMATION FOR THE SECOND USER TO ESTABLISH COMMUNICATIONS.**

The Examiner also argues that Banks teaches:

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e) collaboration initiation software that functions to cause retrieval of necessary addressing information of the second user and to cause the establishing on a connection between the first and second user...

Applicants disagree. It is unnecessary and, in fact, totally contrary to the operation of the Banks system to maintain or use addressing information for the second user to establish communications. The reason is simple.

Banks' system requires the user to access the AOL service by dial-up modem. This modem establishes a connection with the AOL mainframe. Once established, there is a single, continuous open line of communication between the Banks member and the remote AOL mainframe.<sup>2</sup> This configuration applies for each member. Once members dial into the mainframe connections are at the mainframe and a user's location information becomes irrelevant.

This configuration is confirmed by pages 5 to 6 of the "America Online Tour Guide" manual attached to the Rule 132 affidavit submitted herewith. For example, the "Tour Guide" describes AOL as:

a vast network of "members," each of whom uses a computer, a modem and a telephone line to connect with a *common destination* - to go online..."

Simultaneously coordinating thousands of phone calls and storing tens of thousands of files require one Thunder-Lizard of a computer...

AOL's computer is more of a field mouse than a Thunder-Lizard. It's not a single computer either: when I was last there, AOL was using nine computers, each about the size of Jay Leno on a motorcycle. These computers (see Figure 1-2), manufactured by the Stratus Corporation in Marlboro, MA, are collectively and affectionately (if one ever feels affection for nine Jay Leno - sized computers) referred to as "*The Stratus*" by those who are Way Cool around AOL.

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<sup>2</sup> See Banks, page 5, paragraph 1, line 3: "AOL makes most of these changes on the mainframe end..."

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This system simply does not, therefore, use member location-based addressing. There are only modem connections to AOL's mainframe and connections within a computer or, at best, between computers at a single location. Because of Banks' AOL anonymous dial-up modem access, user locations are totally hidden from the AOL system, and thus irrelevant to its operation. In other words user connections in Banks are made within a single localized dial-in computing environment that is blind as to user locations, end user addresses, etc. Thus, communication in the AOL system occurs without using without the user's location information. Banks, therefore, does not teach the claimed invention.

**C. IT NOT OBVIOUS TO COMBINE BANKS WITH BAUMGARTNER**

It is also would not have been obvious to one skilled in the art in 1993 to combine Banks with Baumgartner. First, the the time of this application's effective filing date the references were totally incompatible. In the early 1990's there was no motivation or reasonable expectation of success for one familiar with Banks' technology to combine it with a graphical user interface from Baumgartner. Second, history teaches exactly this. It took the allegedly obvious combination for people skilled in the Banks art area release this more than two years after this application's effective filing date.

**1. The cited service references are incompatible and a prima facie obviousness case cannot be established**

In the Office Action, the Examiner argues that it would have been obvious to combine primary reference Banks with the graphical user identifying icons of Baumgartner. But, as explained below, it is improper to make such combinations because, at that time, Banks and Baumgartner were totally incompatible and from completely unrelated art areas. Thus the Examiner cannot show the mandated suggestion or motivation and reasonable expectation of success tests for obviousness<sup>3</sup>.

Without such suggestion, any obviousness argument runs afoul of the rule that "the prior art must suggest the desirability of the claimed invention" and that "obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found

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<sup>3</sup> MPEP § 2143/

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either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art.”<sup>4</sup> (emphasis added)

In particular, Banks teaches communication using a dial-up, 2,400 or 4,800 bps modem.<sup>5</sup> Any “real time” communications are limited to messages of “a several dozen words or more”<sup>6</sup> or to conference areas.<sup>7</sup> This is because, in the Banks described AOL system, information exchange was through extremely low bandwidth connections (see for example Banks’ reference to a weather map taking 75 seconds to download using a 2,400 bps modem.<sup>8</sup>)

Baumgartner, on the other hand, is a LAN-based conferencing system that provides real time audio. Baumgartner’s system may be extendable to video. There is no way that even the audio component of Baumgartner’s conferencing system could be compatible with Bank’s modem-based system. Thus, the systems are totally incompatible.

Moreover, Baumgartner’s system is built on top of a multicast packet switching network, which is based on fast packet technology to enable high-bandwidth applications such as the interactive multimedia conferencing,<sup>9</sup> and is implemented on a small cluster of X- Windows based workstations. In contrast, when Banks was published in 1992 and for years thereafter most AOL users connected to the mainframe server from their personal computers (PCs) via telephone modems and, in rare cases, low-bandwidth digital networks such as TymNet or SprintNet.

In addition, the fundamental differences in, in terms of the network technology, between Banks and Baumgartner, there are seriously disjoining differences in user endpoint technologies which prevent the referencing from being combined. In the early 90’s, workstations and PCs were not only different in terms of computing power and costs, but also operated on completely different underlying processor and operating system platforms. Baumgartner’s workstations used UNIX as the operating system while the PCs listed in Banks were MS-DOS, IBM-PS/1, Macintosh, and Apple II based. At the time of this

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<sup>4</sup> MPEP § 2143.01 paragraph 1.

<sup>5</sup> Implied because the “What’s next” section refers to a 9,600 bps modem as a development that is still to come.

<sup>6</sup> Banks, page 3, line 1.

<sup>7</sup> Banks, page 2, last line.

<sup>8</sup> Banks, page 4, second paragraph.

<sup>9</sup> Baumgartner, col. 4, lines 32-57.

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application's priority date and for many years thereafter these systems were totally incompatible.

Additionally and importantly following from this, the very applications discussed in Baumgartner require an operating system supporting multiple threads concurrently. The home-based computers (such as PCs, etc.) described by Banks were all single threaded machines either (a) unsuitable for working on or interfacing with Baumgartner's LAN or (b) totally incapable of running the multi-thread based applications in Baumgartner. In short, these two systems (Baumgartner and Banks) are therefore technologically totally different technical breeds. Merely because they are both computer-based systems does provide someone skilled in Banks' technology with the required motivation or reasonable expectation of success to combine them. Banks and Baumgartner are therefore totally incompatible and uncombinable. There can be no reason or suggestion for someone skilled in the art of Bank's low-bit rate, predominantly non-real time, online-service technology to go to a high bandwidth, real time audio conferencing system to look for solutions.

Given this, Applicants reiterate the principle that a mere force fit of incompatible references runs afoul of the well established rules that "any proposed modification cannot render the prior art unsatisfactory for its intended purpose"<sup>10</sup> and that "any proposed modification cannot change the principle of operation of a reference."<sup>11</sup>

Thus, Applicants submit that the Examiner has not demonstrated how or why someone using Banks' system would reach to Baumgartner's incompatible and unrelated art area system to enhance Banks' system.

In this regard, it is important to note that it is well established that the mere "fact that references can be combined or modified is not sufficient to establish *prima facie* obviousness"<sup>12</sup> and that the mere "fact that the claimed invention is within the capabilities of

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<sup>10</sup> MPEP 2143.01 paragraph V. "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification."

<sup>11</sup> MPEP 2143.01 paragraph VI. "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious."

<sup>12</sup> MPEP 2143.01, paragraph III. "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)."

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one of ordinary skill in the art is not sufficient by itself to establish *prima facie* obviousness.”<sup>13</sup>

For several reasons therefore, there can be no motivation to combine the teachings of Banks and Baumgartner. Such an attempt to combine would begin with hindsight, take bits and pieces of incompatible references, and merge these incompletely in a direction contrary to the express teachings of the applications of the references.

2. History teaches exactly this: it took those skilled in the art years to make this supposedly obvious combination.

The incompatibility and lack of obviousness to combine is not a mere matter of conjecture. As proof, an extract from a highly researched graduate thesis,<sup>14</sup> (the Salin Thesis) describing the development of Instant messaging, is submitted herewith under a Rule 132 affidavit.

In this thesis, the author makes the following historical observation: “ICQ..., created in 1996...is considered the ancestor of instant messaging systems. ICQ *introduced* concepts like buddy lists...”<sup>15</sup> (emphasis added).

The people developing at ICQ were clearly “skilled in the art” of instant messaging. In addition, they must have been highly motivated by that great motivator, the market place, to produce solutions. Yet, skilled and motivated as they were, they did not make the combination of Banks’ system and Baumgartner’s Icon’s representing users (“buddy list” in the Salin Thesis) until as early as 1996, at least two years after the effective filing date of this application.

Simply put, it cannot have been obvious for one skilled in the art to make the Banks plus selective parts of Baumgartner combination in late 1993.

**D. IT IS ALSO NOT OBVIOUS TO COMBINE KAMERAMAN WITH BANKS**

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<sup>13</sup> MPEP 2143.01, paragraph IV.

<sup>14</sup> Peter Salin, “Mobile instant Messaging Systems – A Comparative Study and Implementations,” Master’s Thesis, September 21, 2004.

<sup>15</sup> Salin, section 2.4.1, page 10.

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The Examiner also cites Kameraman as teaching the wireless limitation of claim 3. Thus, the Examiner combines Banks with Baumgartner with Marshak and with Kameraman to derive the claimed invention.

As before, Applicants wish to stress that accommodating a wireless device, as claimed, would have to consider the further limitations in the claimed invention of allocating to each participant a unique identification information and maintaining service records having information associated with where a user is connected to the network. The manner in which such information would be maintained for a wireless system presents issues that are not addressed by a simple "convenience" decision to make it wireless, as the Examiner appears to suggest.

In fact, this contention is supported unequivocally by the Salin Thesis referenced above. The first sentence of Section 3.3 makes this clear when it states "Transitioning to developing mobile services is *not a trivial task*. The mobile environment introduces several constraints on a mobile service that do not exist in traditional fixed environments." (emphasis added)

Accordingly, it is submitted that this obviousness rejection too cannot be sustained and should be withdrawn.

**E. THE EXAMINER IS INCORRECT IN CONCLUDING THAT BAUMGARTNER TEACHES A WAN**

In addition to the arguments above, the Examiner once again cites Baumgartner, specifically Figs. 14 and 15, as teaching a Wide Area Network (WAN). Once again Applicants wish to point out that this reference reveals that neither figure shows or suggests WAN communication. Instead, both relate to the communication between two parties via a virtual circuit, defined as a packet-switched communication path between two endpoints, that permits two parties to share a character based application program or applications based the X-window system. There is no teaching or suggestion of a connection between communication devices via WAN or plural networks.

**F. REJECTION OF OTHER CLAIMS**

The Examiner has rejected the remaining claims as follows:

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As per claims 14-15, 17, 19-21, 23-4, 26-28, they are rejected under similar rationale as claims 1-4 and 8-13 above. Baumgartner teaches the permitting a user to participating in multiple conferences at the same time (col.2 lines 6-15, col.18 lines 14-20). Baumgartner does not specifically disclose notifying of attempt to communicate by a third user. In similar field of computer conferencing, Vin teaches to automatic notifying user of attempt to communicate [page 77 col.2 ringing] and permit a user to participate in multiple conferences [page 78 ~01.31. It have been obvious for one of ordinary skill in the art to provide notification to alert user of attempt to communicate with him so as alert the user to pending call while still participating in another conversation.. . .

As per claims 29-36, they are rejected under similar rationale as claims 1-4 and 8-13 above. Banks and Baumgartner do not specifically disclose a wireless device. Computer with wireless network access is well known in the art at the time of the invention (for example see Kameraman col.1). Wireless network connection reduces physical wiring and permits the computer to roam about. Hence, it would have been obvious for one of ordinary skill in the art to have a communication device be mobile while participating in a conference.

In response, Applicants repeat the arguments set out above and submit that these claims are patentable for the same reasons.

### CONCLUSION

In summary, all the pending claims contain at least a limitation to a service record containing a user's location information, which is neither taught by, inherent in nor obvious from Banks alone or in combination with the cited prior art. Moreover, Applicants have shown that such combination of references is not possible because of major incompatibilities and therefore cannot be obvious. Historical proof of non-obviousness of combination us also submitted. Finally, as shown above, certain other claimed features are not present in the references.

Applicants accordingly respectfully submit that all of the pending claims define subject matter that is patentable over the prior art. Their immediate allowance is respectfully requested as soon as possible.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the



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Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. \_\_\_\_\_. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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